

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-3591

Ricky Jones,

Appellant,

v.

International Paper Company,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.
[UNPUBLISHED]

Submitted: June 3, 1999

Filed: June 8, 1999

Before WOLLMAN, Chief Judge, RICHARD S. ARNOLD and BEAM, Circuit
Judges.

PER CURIAM.

Ricky Jones appeals the district court's¹ order granting defendant's motion to
enforce a settlement agreement. We affirm.

¹The Honorable James Maxwell Moody, United States District Judge for the
Eastern District of Arkansas.

Jones filed an employment discrimination action against International Paper (IP), and the case was referred to a magistrate judge² for a settlement conference. At the end of the conference, counsel for the parties agreed to leave “on the table” the last offer made through Jones’s counsel and IP’s last offer. IP accepted the last offer made through Jones’s counsel that evening, but Jones indicated the next day that he did not wish to settle the case for that amount. The district court held an evidentiary hearing and granted IP’s motion to enforce the settlement agreement.

We find the district court’s factual finding that Jones’s attorney had authority to settle was not clearly erroneous. See Mueller v. Guardian Life Ins. Co., 143 F.3d 414, 415-16 (8th Cir. 1998) (district court’s factual findings reviewed for clear error; this court defers to district court’s credibility determinations). Jones stated in the evidentiary hearing that because he believed he could withdraw his offer at a later time, he allowed his attorney to make the offer that was accepted. Any arguments regarding the adequacy of Jones’s legal representation are irrelevant to the district court’s finding that Jones’s attorney had authority to settle.

Accordingly, we affirm. We deny as moot appellee’s motion to strike portions of appellant’s brief.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

²The Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas.